III. REMARKS

1. Claims 10 and 23 are amended. Claim 24 is added. Claim 10 is rewritten in independent form to include the features of the base claim (1) and the intervening claim (9). Claim 10 should now be allowable as indicated by the Examiner. Claim 23 is also rewritten in independent form and should now be allowable. New claim 24 represents claim 14 rewritten to include features from claim 10, and should also be allowable.

2. The Applicant appreciates the Examiner's pointing out that a more favorable outcome may occur if Applicant were to amend the claims with objectional material. However, Applicant maintains that there are features of the claims that are not disclosed or suggested by the combination of references cited by the Examiner. A review of some of the pertinent, non-disclosed features of the references and the reasons for patentability of Applicant's invention is discussed below. The Examiner is requested to reconsider the rejection of the claims in view of the following discussion.

Claims 1 and 14 recite that the indicator is arranged to move only from one active region to another and that each active region has at least one function selectable in the active region. The references do not disclose this specific feature, and in particular that the indicator can only move from one active region to another active region.

Miyasato does not disclose or suggest that the cursor 9 can "move only from one active region to another." Rather, Miyasato only discloses that the cursor 9 skips to the icon 10 based on an estimated moving direction of the device 1. The Examiner is once again asked to identify where in Miyasato there is any suggestion

that the cursor can move only from one active region to another. When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference". In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). The Examiner is requested to provide an indication as to where any such teaching, suggestion or motivation appears in the references. The Examiner merely refers to the predicting capability of Miyasato, which is not he same as moving only from one active region to another as in Applicant's invention. Absent a teaching of only moving from one active area to another, it is submitted that a *prima facie* case of obviousness under 35 U.S.C. §103(a) is not established.

Significantly, it is submitted that Miyasato does not suggest or teach the region from where the cursor 9 is skipping from is an "active" region as is claimed by Applicant. Rather, in Miyasato, the cursor 9 can be in any region or area before it is skipped to the icon 10. Miyasato predicts a moving direction and can skip to an object in the moving direction. The cursor 9 does not have to be in an active region before it skips to icon 10. Thus, the element of Applicant's invention cannot be found in Miyasato.

Only a single icon 10 is illustrated and described with reference to FIG. 2 of Miyasato. Miyasato only needs the "present position coordinates of a pointing cursor 9." Miyasato does not disclose or suggest that the pointing cursor 9 is originally positioned in an active region and can only move to another active region. Miyasato clearly illustrates, referring to FIG. 2, that the pointing cursor 9 can be located anywhere other than an icon 10. In FIG. 2 of Miyasato, there is no icon or object 10 at the location of the indicator 9. Thus, the location of indicator 9,

at the origin of the triangle or area 12, cannot be equated to an "active region" as is recited and claimed by Applicant. Thus, even if one were to consider an "icon 10" as the equivalent to Applicant's "active region", it is clear that in Miyasato that the cursor 9 can move to areas other than and including the "icon 10". Thus, Miyasato does not and cannot read on "moving only from one active region to another" as is claimed by Applicant.

With regard to Moon, FIG. 4 illustrates the graphical user interface after the "Setup" tab 116 is chosen by the user. The GUI includes a work area 130 and other selection menus that can be accessed by, for example, finger navigation. Moon does not suggest Applicant's claimed subject matter. There must be some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art that suggests the claimed subject matter. In re Fine, 837 F.2d 1071, 1074; 5 USPQ 2d 1596, 1598 (Fed. Cir. 1998). Moon does not teach or suggest a problem related to accurately moving a cursor to a required position using a touch pad. In Moon, "all of the controls are appropriately spaced and sized so that the controls can be navigated without any other hardware. Thus, Moon does not recognize or address the problem concerning Applicant. (Col. 6, lines 58-65) and there is no obvious reason why one would look to Moon to achieve Applicant's invention. Although the Examiner sets forth a "motivation statement" there is no objective reasoning along these lines. "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence!". In re Dembiczck, 175 F.3rd 974, 999; 50 USPQ2d 1614, 1617. Thus, it is submitted that in view of the lack of objective evidence that would lead one to use Moon to achieve Applicant's invention, Moon cannot be used here for purposes of 35 U.S.C. §103(a).

Gerpheide also does not provide any objective teaching that suggests Applicant's claimed subject matter. Gerpheide is a touch surface thus has different regions with different tactile feels. Gerpheide only deals with **dragging an object using a cursor - not moving a cursor from one active area to another.** (Abstract, lines 1-8). Nothing in Gerpheide even remotely addresses the problem of accurately moving a cursor to a required position as in Applicant's invention.

Gerpheide deals with the ability to drag an object using a cursor from one side of a display to another without repeatedly raising a finger to repeat the dragging motion. (Abstract, lines 6-14). Gerpheide provides a "drag extend function." (Abstract, lines 14-15). When the finger moves from the first featured region to the second, the drag function is activated and the finger can be lifted from the surface without deselecting the drag function. The finger must slide across the surface to move the object to the desired location. (FIG. 6B). In Gerpheide, we are dragging an "object" using the cursor and the functionality provided by Gerpheide is that there is a "delay in drag cancellation." (Col. 3, lines 14-21). This is a clear distinction between Applicant's invention and Gerpheide. In Applicant's invention we are moving the "indicator" from "one active region to another." In Gerpheide, the user is "dragging" an object using the cursor, and there is no disclosure that this dragging is only from one active region to another. The dragging is accomplished by creating new regions on the touchpad surface that provide a different tactile feel and activate the drag extend functionality. (Col. 3, lines 22-24). This is not the same as, nor does it disclose or suggest Applicant's invention of moving a cursor only from **one active region to another active region.**

Thus, Gerpheide does not address the problem of accurately moving the cursor to a required position, or only from one active region to another, as does Applicant. Gerpheide is only concerned with moving an object using the cursor, without the need to "reselect" the object being dragged. (Col. 3, lines 10-12). Thus, Gerpheide does not recognize or address the problem addressed by Applicant, does not disclose or suggest the features of Applicant's invention and there is no objective teaching in Gerpheide that might lead one to combine it to achieve Applicant's invention. Therefore, obviousness under 35 U.S.C. §103(a) cannot be established using Gerpheide.

The arguments from the response filed on March 17, 2004 are reasserted herein with respect to the other rejected claims.

In view of the foregoing, the Examiner is requested to reconsider the rejection of claims 1 and 14 and the claims that depend therefrom.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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